

1 new counsel to assist them through the remainder of their case. Ultimately, they retained C.
2 Anthony Hughes as their new attorney.

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4 2. With regard to their late filed Monthly Operating Reports, the explanation is 2-fold. Debtors
5 did, in fact, submit each and every Monthly Operating Report to previous counsel in a timely
6 fashion. They sent each report to their attorney with the assumption that each report was being
7 filed with the Court on time. It has since been made clear to them that the reports were actually
8 not being filed as expected; this being due to the situation at hand within their attorney's office.

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10 However, since retaining new counsel, their Monthly Operating Report for July was filed on
11 time. They have every expectation that all future reports will be filed on time, without issue.

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13 3. Since the Debtor decided to retain new counsel, the case has proceeded at top speed. The
14 following activities have occurred:

15 Substitution of Attorney (CAH-001)

16 Motion to Employ C. Anthony Hughes (CAH-002)

17 Motion to Value Property – 519 V Street (CAH-003)

18 Motion to Value Property – 1833 William Bird (CAH-004)

19 Motion to Value Property #2 – 1833 William Bird (CAH-005)

20 Application for Conditional Approval of Combined Plan & Disclosure Statement (CAH-007)

21 Motion to Value Property #3 – 1833 William Bird (CAH-008)

22 Timely filing of the Monthly Operating Report

23 Amended Schedules & Budget (as seen in Exhibit A)

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25 Clearly, this case is being expedited without delay with the change in counsel.

1 4. With regard to the Debtor's ability to effectuate a plan, there appears to be some confusion.
2 The net number on the Debtor's Monthly Operating Reports includes on-going deferred
3 maintenance on their primary residence and rental properties. At the time of filing this Chapter
4 11 bankruptcy, the properties needed repairs as required by county regulation, as well as to
5 maintain property integrity and value. Early in their case, they understood that it was best to
6 redeploy as much of their net back into the properties. As this case has been lengthy, they have
7 been able to resolve these issues. These expenses have been explained each month in their
8 Monthly Operating Reports and receipts can be provided upon request to substantiate this.
9 Consequently, they had not been advised to do otherwise with their net monies, which created
10 the apparent appearance that they were not able to afford the plan payment. This is seen in the
11 Amended Schedules & Budget (see Exhibit A). That being the case, they actually are capable of
12 affording and maintaining the plan payment suggested in the amended Plan & Disclosure
13 Statement filed on August 1, 2011.
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16 This Opposition is based upon the record in this case and such evidence as may be filed to
17 supplement the Opposition, or as may be introduced at the hearing on the Opposition. Judicial
18 notice is requested of all documents filed in this case, including those referenced herein, pursuant
19 to Rule 201 of the Federal Rules of Evidence.
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21 WHEREFORE, the Debtors pray that the Court will deny the Trustee's Motion to Dismiss.
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23 Executed at Sacramento, California on August 16, 2011.
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25 Respectfully submitted,

26 /s/ C. Anthony Hughes
27 C. ANTHONY HUGHES
28 Attorney for Debtor